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## NOTICE OF ALLOWANCE AND FEE(S) DUE

82402 7590 10/22/2010

Straub & Pokotylo  
788 Shrewsbury Avenue  
Tinton Falls, NJ 07724

EXAMINER

SANDERS, AARON J

ART UNIT

PAPER NUMBER

2168

DATE MAILED: 10/22/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/732,824

12/10/2003

Kenneth W. Bronson

GOOGLE-65

6777

TITLE OF INVENTION: DETERMINING CONTENT TO BE PROVIDED BY AN ENTITY FOR RENDERING VIA A RESOURCE IN A TARGET DOCUMENT OR NOTIFYING AN ALTERNATIVE ENTITY OF THE AVAILABILITY OF THE RESOURCE  
(GPO 17-001/S)

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	01/24/2011

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE  
Commissioner for Patents  
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Alexandria, Virginia 22313-1450  
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**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

82402 7590 10/22/2010

**Straub & Pokotylo**  
788 Shrewsbury Avenue  
Tinton Falls, NJ 07724

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/732,824 12/10/2003 Kenneth W. Bronson GOOGLE-65 6777

**TITLE OF INVENTION:** DETERMINING CONTENT TO BE PROVIDED BY AN ENTITY FOR RENDERING VIA A RESOURCE IN A TARGET DOCUMENT OR NOTIFYING AN ALTERNATIVE ENTITY OF THE AVAILABILITY OF THE RESOURCE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional NO \$1510 \$0 \$0 \$1510 01/24/2011

EXAMINER	ART UNIT	CLASS-SUBCLASS
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SANDERS, AARON J 2168 707-706000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_
- 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

**NOTE:** The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,824	12/10/2003	Kenneth W. Bronson	GOOGLE-65 (GP-171-00-US)	6777
82402	7590	10/22/2010	EXAMINER	
Straub & Pokotylo 788 Shrewsbury Avenue Tinton Falls, NJ 07724			SANDERS, AARON J	
			ART UNIT	PAPER NUMBER
			2168	
DATE MAILED: 10/22/2010				

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 541 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 541 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability**

Application No.

10/732,824

Examiner

AARON SANDERS

Applicant(s)

BRONSON ET AL.

Art Unit

2168

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the pre-appeal brief filed 2 August 2010.
2. ☒ The allowed claim(s) is/are 1-3,5,7-18,20-25,27-31,36,37,39,41 and 42.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 7/31/2009
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

/Tim T. Vo/  
Supervisory Patent Examiner, Art Unit 2168

## **DETAILED ACTION**

### ***Response to Pre-Appeal Brief Request for Review***

The Pre-Appeal Brief Request for Review filed 2 August 2010 has been entered. Claims 1-3, 5, 7-18, 20-25, 27-31, 36-37, 39, and 41-42 are pending. No claims are currently amended. Claims 4, 6, 19, 26, 32-35, 38, and 40 are cancelled. No claims are new. Prosecution has been REOPENED.

### ***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance:

The prior art of record, Nicholas et al., U.S. 2004/0054589 ("Nicholas"), DaCosta et al., U.S. 6,665,658 ("DaCosta"), Kumhyr et al., U.S. 2003/0131095 ("Kumhyr"), and Bronnimann et al., U.S. 2004/0044571 ("Bronnimann"), teach analogous art to the instant application, specifically, Internet searching and advertising.

Nicholas teaches a method for providing a targeted online advertisement to a user accessing a content provider node of the system. A generic advertiser provides a generic ad request. Geo-target availability is provided based on a number of requested impressions for the generic ad request and a web site designation. Geographically targeted ad requests are received from one or more child advertisers.

DaCosta teaches a method for a web crawler to automatically simulate user interaction with a dynamic website in order to gather and extract information from the site. This interactive web crawler will be able to create a search query string for any one of a number of desired search

Art Unit: 2168

topics and systematically crawl dynamic personalized content on a website and retrieve the information desired by the user/client.

Kumhyr teaches a method for avoiding the inappropriate display of advertisements, including watching a datastream representing a page for delivery to a client via a network. It is determined if an advertisement subject to display restrictions is identified in the datastream. It is further determined if the advertisement is restricted from being displayed in the page in response to a content analysis of the datastream.

Bronnimann teaches an Internet advertisement listings provider that distributes advertisements in a bid-for-placement arrangement based on the revenue-efficiency of the advertisements from the bidding advertisers that calculates the revenue to the advertising distribution system by multiplying the click-through rate times the bid amount for each click-through. Advertisers may be allowed to provide multiple advertisements to enable the advertisement listings provider to select from those various advertisements for inclusion in ranked listings based on a determined efficiency among the advertisements. The system also determines the most efficient grouping of advertisements for a limited-space output, comparing groupings of advertisements to other groups to determine the greater revenue to the distribution system.

Nicholas teaches determining demographic information related to the user and checking for an ad based on the demographic information. If an appropriate targeted ad does not exist in the inventory, Nicholas forwards the request for an ad to a default service. See Fig. 25 and par. 103. Nicholas does not teach receiving a first ad request associated with a first target document, wherein the first target document is accessible by the first entity, includes content and is

Art Unit: 2168

associated with a first resource for rendering at least one advertisement, determining that the content included in the first target document cannot be analyzed by the first entity to determine if an ad relevant to the content of the first target document is available for rendering, and indicating the availability of at least a portion of the first resource of the first target document to a second entity, as recited in independent claims 1 and 36. Nicholas also does not teach indicating the availability of at least a portion of the resource of the target document to the publisher associated with the target document based on a determination that a threshold number of ads having untapped budgets are not available to render in association with the target document, wherein the act of determining that a threshold number of ads having untapped budgets are not available to render in association with the target document includes determining that the number of ads for which advertisers are willing to pay the ad serving system does not exceed a defined threshold, as recited in claim 41. Finally, Nicholas does not teach indicating the availability of at least a portion of the resource of the target document to a publisher associated with a target document based on a determination that net revenue for the content ad system for serving the ad will not be positive, wherein the act of determining that net revenue for serving the ad will not be positive includes determining whether or not a payment is to be paid to a publisher for rendering the ad and estimating revenue derived from an advertiser for rendering the ad in association with the target document, as recited in claim 42.

DaCosta teaches that conventional web crawlers cannot crawl (i.e. “analyze”) dynamic web sites, see col. 1, l. 46 – col. 2, l. 2. DaCosta does not teach receiving a first ad request associated with a first target document, wherein the first target document is accessible by the first entity, includes content and is associated with a first resource for rendering at least one

Art Unit: 2168

advertisement, determining that the content included in the first target document cannot be analyzed by the first entity to determine if an ad relevant to the content of the first target document is available for rendering, and indicating the availability of at least a portion of the first resource of the first target document to a second entity, as recited in independent claims 1 and 36. DaCosta also does not teach indicating the availability of at least a portion of the resource of the target document to the publisher associated with the target document based on a determination that a threshold number of ads having untapped budgets are not available to render in association with the target document, wherein the act of determining that a threshold number of ads having untapped budgets are not available to render in association with the target document includes determining that the number of ads for which advertisers are willing to pay the ad serving system does not exceed a defined threshold, as recited in claim 41. Finally, DaCosta does not teach indicating the availability of at least a portion of the resource of the target document to a publisher associated with a target document based on a determination that net revenue for the content ad system for serving the ad will not be positive, wherein the act of determining that net revenue for serving the ad will not be positive includes determining whether or not a payment is to be paid to a publisher for rendering the ad and estimating revenue derived from an advertiser for rendering the ad in association with the target document, as recited in claim 42.

Kumhyr teaches parsing the datastream content for instances of key items in the web page content. For example, key items may include sexuality explicit content, or content associated with certain specific material, such as, negative news reports with references with goods or services of the same kind or category as the advertiser's goods or services. See Fig. 4



Art Unit: 2168

and par. 27. Kumhyr does not teach receiving a first ad request associated with a first target document, wherein the first target document is accessible by the first entity, includes content and is associated with a first resource for rendering at least one advertisement, determining that the content included in the first target document cannot be analyzed by the first entity to determine if an ad relevant to the content of the first target document is available for rendering, and indicating the availability of at least a portion of the first resource of the first target document to a second entity, as recited in independent claims 1 and 36. Kumhyr also does not teach indicating the availability of at least a portion of the resource of the target document to the publisher associated with the target document based on a determination that a threshold number of ads having untapped budgets are not available to render in association with the target document, wherein the act of determining that a threshold number of ads having untapped budgets are not available to render in association with the target document includes determining that the number of ads for which advertisers are willing to pay the ad serving system does not exceed a defined threshold, as recited in claim 41. Finally, Kumhyr does not teach indicating the availability of at least a portion of the resource of the target document to a publisher associated with a target document based on a determination that net revenue for the content ad system for serving the ad will not be positive, wherein the act of determining that net revenue for serving the ad will not be positive includes determining whether or not a payment is to be paid to a publisher for rendering the ad and estimating revenue derived from an advertiser for rendering the ad in association with the target document, as recited in claim 42.

Bronnimann teaches grouping advertisements to be displayed on a website to maximize revenue, see par. 7. Bronnimann does not teach receiving a first ad request associated with a first

Art Unit: 2168

target document, wherein the first target document is accessible by the first entity, includes content and is associated with a first resource for rendering at least one advertisement, determining that the content included in the first target document cannot be analyzed by the first entity to determine if an ad relevant to the content of the first target document is available for rendering, and indicating the availability of at least a portion of the first resource of the first target document to a second entity, as recited in independent claims 1 and 36. Bronnimann also does not teach indicating the availability of at least a portion of the resource of the target document to the publisher associated with the target document based on a determination that a threshold number of ads having untapped budgets are not available to render in association with the target document, wherein the act of determining that a threshold number of ads having untapped budgets are not available to render in association with the target document includes determining that the number of ads for which advertisers are willing to pay the ad serving system does not exceed a defined threshold, as recited in claim 41. Finally, Bronnimann does not teach indicating the availability of at least a portion of the resource of the target document to a publisher associated with a target document based on a determination that net revenue for the content ad system for serving the ad will not be positive, wherein the act of determining that net revenue for serving the ad will not be positive includes determining whether or not a payment is to be paid to a publisher for rendering the ad and estimating revenue derived from an advertiser for rendering the ad in association with the target document, as recited in claim 42.

Thus, Nicholas, DaCosta, Kumhyr, and Bronnimann, do not teach, suggest, or render obvious all of the claimed limitations recited in independent claims 1, 36, and 41-42.

Art Unit: 2168

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON SANDERS whose telephone number is (571)270-1016. The examiner can normally be reached on M-F 9:00a-5:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tim T. Vo/  
Supervisory Patent Examiner, Art Unit  
2168

Application/Control Number: 10/732,824

Page 9

Art Unit: 2168

/Aaron Sanders/

Examiner, Art Unit 2168

18 October 2010